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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/728,833

12/08/2003

Christian Bracuer

R.303598

• 9281

7590

10/26/2006

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EXAMINER

KIM, PAUL D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

MIT

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/728,833 | BRAEUER ET AL. | |
| | Examiner | Art Unit | |
| | Paul D. Kim | 3729 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 6-9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is a response to the restriction requirement filed on 10/10/2006.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re. Claim 12: The phrase "wherein the pressing force (31) (F) is initiated at the first face end (8) of the armature bolt (7) for adjusting the second defined size (27)" as recited in lines 1-2 fails to comply with the enablement requirement. It is unclear how the second defined size 27 can be set when the pressing force is initiated at the first face end of the armature bolt for adjusting the second defined size. According to the specification in paragraph [0030] and [0030.7], the pressing force 31 (F) could equally well engage the second face end (9) of the armature bolt, not the first face end (8), to set the second defined size 27 as shown in Fig. 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comtois et al. (US PAT. 6,404,312) in view of Bissegger et al. (US PAT. 4,941,266).

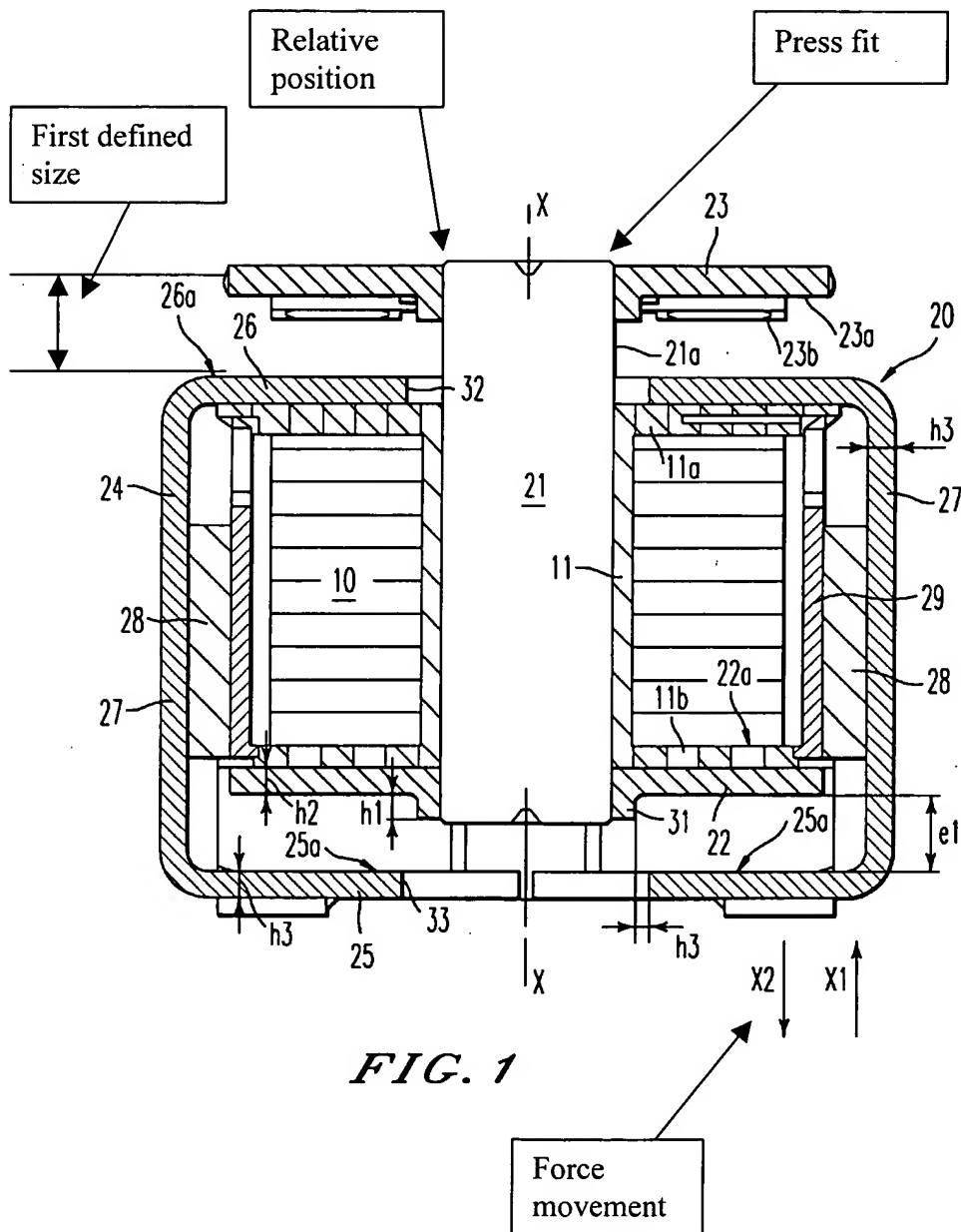
Comtois et al. teach a process of adjusting a spacing within a magnetic circuit comprising steps of: adjusting a relative position between an armature plate (23) and an armature bolt (21) by a pressing operation, to a first defined size, which is defined between the plate and the circuit, after the armature plate and the armature bolt are assembled to form the magnet armature as shown in Fig. 1, wherein the pressing force is applied to the preassembled magnet armature assembly until the first defined size is reached such as contact the plate to a surface of the circuit (26a) (see also col. 2, line 5 to col. 3, line 11). The armature plate (23) is fixed to the armature bolt (21) prior to adjust the relative position and the relative position is established by fixing the armature plate (23) to the armature bolt (21). Therefore, a press fit of the armature plate to the armature bolt is varied in terms of the relative position of the armature plate to the armature bolt as shown in Fig. 1.

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Jun. 11, 2002

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However, Comtois et al. silent to use a measuring feeler and travel measuring system. Bissegger et al. teach a process of using a feeler device connected to multi-coordinate measure system (equivalent with the travel measuring system) to measure the travel distance when the workpiece is sensed (see col. 1, lines 18-34). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify a process of adjusting a spacing of Comtois et al. by using a measuring feeler and travel measuring system as taught by Bissegger et al. in order to measure the travel distance when the workpiece is sensed.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Comtois et al. in view of Bissegger et al., in view of Ricco (US PAT. 6,152,387).

Comtois et al., modified by Bissegger et al., teach all of the limitations as set forth above except means of calibrated spacers. Ricco teaches a process of using either means of calibrated spacers or shims in order to provide for adjusting the travel of the armature for a precision (col. 3, lines 1-23). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify a process of adjusting a spacing of Comtois et al., modified by Bissegger et al., by using either means of calibrated spacers or shims as taught by Ricco in order to provide for adjusting the travel of the armature for a precision.

Allowable Subject Matter

6. Claim 5 is allowed.
7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-3, 5, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection.

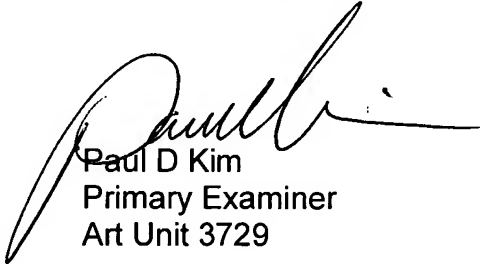
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Thursday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3729

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul D Kim
Primary Examiner
Art Unit 3729